

pE664
S68J7
1914

UC-NRLF



W 101 088

U.C. BERKELEY LIBRARIES



C039241180

The Bancroft Library

University of California • Berkeley

From the Papers of
DALE MORGAN

Hollinger Corp.
pH 8.5

60

CORRESPONDENCE

between

Senator Reed Smoot

and

N. V. Jones

My
r. N
to
My
ept
at
our

*Including a Discussion
of the Senator's Record in the
United States Senate*

SALT LAKE CITY,

ed
of Utah is
on basing m
credit and hono
our representative
have resulted in the
the whole meets with
ce your valuable assist-

CORRESPONDENCE
between
SENATOR REED SMOOT
and
N. V. JONES

*Including a Discussion of the Senator's Record
in the United States Senate*

SALT LAKE CITY, 1914

Washington, D. C., September 7th, 1914.

Mr. N. V. Jones,
Salt Lake City, Utah.

My Dear Sir:

At the Republican State Convention held at Salt Lake City on September 1st, 1914, I was nominated for re-election to the United States Senate. During the time that you have honored me as one of your representatives in the upper house of Congress, I have given my best efforts to the interests and welfare of our State and Nation. No citizen of Utah, irrespective of religion, politics or social position, has ever made a request of me which has not received my prompt, careful and personal attention.

My record as senior senator from the State of Utah is open for all to read, and I go before the people for re-election basing my claim upon that record. If my work has not brought credit and honor to our State, I do not deserve to be re-elected as your representative in the Senate. But if, in your opinion, my labors have resulted in the advancement of our State and my record on the whole meets with your approval, then I shall greatly appreciate your valuable assistance during the coming campaign.

Assuring you that I am ready and willing at all times to serve you, and with very best wishes, I remain,

Yours sincerely,

(Signed)

REED SMOOT.

Salt Lake City, Utah, October 2, 1914.

Hon. Reed Smoot,

United States Senate,

Washington, D. C.

Dear Sir:

Your note of the 7th inst., addressed to me, arrived in due course of mail. Like most other citizens I am intrested in the political welfare of our state, and as a consequence, I am not a stranger to your record in the senate. Since receiving your note, and from the fact that you have referred me to the record, and that you base your claims for support and re-election upon that record, I have for my own satisfaction, and further information, examined your record, with particular reference to the investigation before the Senate committee and the discussion of your case upon the floor of the senate in 1907. After that examination of the record I feel better qualified to speak in relation to it.

I wish here and now to state that although I did not support you in your election to the senate, because I was opposed to your Republican principles, yet after you were elected to the senate, I stood firmly and patriotically behind you, and gave you my moral support, for the reason that you were duly elected to the senate by the legislature of the state of Utah, and there were no proper or legal grounds justifying either your exclusion or subsequent expulsion from the senate. To that extent you had my support during your battle to retain your seat, as fully as if you had been my political choice. In your note you say:

"My record as senior senator from the state of Utah, is open for all to read, and I go before the people for re-election basing my claims upon that record. If my work has not been brought credit and honor to our state, I do not deserve to be re-elected as your representative in the senate, but if, in your opinion, my labors have resulted in the advancement of our state and my record as a whole meets with your approval, then I shall greatly appreciate your valuable assistance during the coming campaign. Assuring you that I am ready and willing at all times to serve you, and with very best wishes I remain," etc.

Your appeal to me to support you for re-election to the senate is a direct one, and as frankly stated by you **is based upon your record** in the senate during your incumbency. I shall endeavor to answer

you in the same spirit of directness and frankness. I trust that although we may differ in our views and conceptions of governmental policies, as well as with reference to some other things in your official record, which to me are inconsistent, that we may both be tolerant of each other's opposing views.

I am free to say at the outset, that I do not share in your views or attitude in relation to the bill relating to the Panama Canal Toll Exemptions, the Currency bill, nor the tariff. Nor do I agree with what seems to be your reversible attitude on the Mexican question. I shall not, however, at this time enter into detail of my reasons for such differences.

My deductions and comments resulting from the examination of the record of the proceedings had in your case before the senate committee on privileges and elections, I have reduced to writing. I herewith enclose you a copy of the article, not because it is necessarily a part of our correspondence, but simply as a frank statement of my views upon the record. As you very properly suggest, the record "is open for all to read" * * * * "if my work has not brought credit and honor to our state I do not deserve to be re-elected as your representative in the senate." It is therefore a public record of a public official, and my criticisms of the record are not of a private character. (The article referred to covers pages 1 to 23, inclusive, and may properly be considered at this juncture.)

I shall assume that you will read and reflect somewhat at least upon that part of your record to which I refer in the enclosed article, and which is also a part of the record to which you refer me and upon which you base your claims for re-election, and ask my support.

It seems to me that in view of your knowledge of our people, that you ought to consider and look with a reasonable degree of sympathy upon those, who are of the old school, (from a church standpoint, and consider that class so unmercifully berated, maligned, misjudged, slandered as I believe by your advocates upon the floor of the senate, viz.: by Senators Dillingham, Hopkins, Beveridge, Foraker, and I think some others.

Senator, you and I were born, reared, and still are members of the same church. I indulge the belief that my membership entitles me to a standing equally as good as yours, I am therefore in full sympathy with my church and people, and am jealous of their honor and good name.

Our people like you and I have been solemnly taught to respect the Ordinance of Plural marriage, (vulgarly denominated as "polygamy" in our penal statutes) into which our parents entered as one of chastity and purity, within the law of the church. That they were sincere and consistent in their lives there can be no reasonable doubt. Their family relations, as also your father's house, and my father's house, are built upon that foundation. During the many years of rigorous legal treatment of the people of Utah, prior to the issu-

ance of the manifesto, and of Utah's admission to statehood, these people have passed through rough and stormy seas. They have suffered prosecutions, bonds, privations, and imprisonment. Some of them have sacrificed their lives, or members of their family, in consequence of it. These people cannot properly be regarded as libertines, moral lepers, or criminals as portrayed by your advocates upon the floor of the senate. They have not violated the law of their church, under which they entered into that relation. They have lived within the law of the church and of their covenants, and observed the moral law as scrupulously as any other living person. Their good name, honor and family reputation are as sacred as yours or any other person. You cannot consistently believe them to be criminals, nor entitled to the brand of dishonor sought to be placed upon them, by those gentlemen, who appeared as your advocates in the senate.

While those base charges were made, you sat silently by and acquiesced in them, when the truth and good conscience should have impelled you to speak. No one, so far as I know, expected you to endorse the actions of those people in their marital status, if you were opposed to it, but you knew then as now that those base charges made against that class of your constituency were false.

It may freely be admitted that in years past some of our people have been subject to the charge of a violation of the civil law, with reference to their marital status, **but that was not a violation of the ecclesiastical law by which they entered into that relation.** They are justified in standing unequivocally upon that ground.

Senator, for more than seven years last past, many of our people have smarted under the brand of immorality, moral degradation, licentiousness, and illegitimacy, which in your presence, and by your acquiescence you permitted your spokesmen and advocates upon the floor of the senate to place upon the brow of that class of your constituents; upon my father's house and yours, upon my mother and upon yours.

So far as my parents are concerned and the marriage vows into which they entered, and by which they lived consistently and sincerely, in accordance with their faith, and from their viewpoint, I do not permit any living man with impunity, in my presence, to arraign their motives, impeach their integrity, or challenge their honor.

Your record upon that point, is doubtless satisfactory to you, because you point to it with seeming pride. It is not satisfactory to me as one of your constituency, and I here and now enter my exception, and record my solemn protest.

Senator, I now ask you whether you can consistently expect me, (or the class aboved referred to), to support you for re-election in view of the circumstances and the record, which you have made and to which you refer me?

How are you going to answer to Mormon Motherhood, when you

failed to defend their honor and good name, when they were wantonly assailed?

How true and pertinent to this issue are the words of Shakespeare:

"Good name in man and woman, dear my lord,
Is the immediate jewel of their souls;
Who steals my purse steals trash; 't is something, nothing;
'T was mine, 't is his, and has been slave to thousands;
But he that filches from me my good name,
Robs me of that which not enriches him,
And makes me poor indeed."

Senator, you permitted the senate of the United States, and all the world so far as it was advised, (by your silence and acquiescence) to believe as stated by Senator Hopkins, that you "had done more to stamp out this foul blot, upon the civilization of Utah, and the other territories, where polygamy has been practiced, than any thousand men outside of the church."

Quaere:

Was that statement consistent with the actual truth?

If not, why did you not deny it?

If true, was it consistent with your profession as an apostle, prophet, seer and revelator, in the church to which you belong?

For more than fifteen years you have been sustained by the members of your church in general assembly, with uplifted hands, and before the world as a prophet, seer and revelator, and as a **special witness** for Christ, and the divinity of the doctrines of your church.

This dual record is of your own making. It is a painful dilemma. Painful to your people, and when measured by any consistent standard of honor, should be equally painful to you. Candor compels me to say that this dilemma has two horns. The first is, falsehood. The second is hypocrisy. The only logical conclusion is, that you have impaled yourself upon one or the other of these two horns. Possibly upon both. If you are able to make any explanation upon that point that will honorably exculpate you, you ought to get busy for the record is certainly against you.

The last part of this letter goes only to the question of your **inconsistency** in view of your office of an apostle, and as a **special witness** for the truth of the doctrines of your church; but there are other important questions upon which we differ, and which would necessarily have to be overcome before I could support you for re-election.

I observe that in your note to me you say: "If my work has not brought credit and honor to our state, I do not deserve to be re-elected as your representative in the senate."

Now senator, I have always supposed that "our state," was bigger than any man, and that the honor conferred by the selection of

a man to represent the state in the United States senate, was a distinct honor conferred by the state upon the individual.

You seem to assume that the converse of that proposition is the correct one in your case; or in other words that your standing confers an honor upon the state, rather than the state by its selection confers an honor upon you.

It might seem immodest for me to argue my view of that proposition to you, and so I desist.

Senator, I just now recall a statement accredited to you by members of your own political party, that you stated while attending a certain Republican convention in Ogden, Utah, that you had enough Democrats in cold storage to turn the election.

I recall also what has seemed to be a favorite argument of your Republican co-workers, in fact it was recognized as a "stock in trade" argument in Utah, during the last twelve years of Republican National administration, viz: that it would be the part of political wisdom, and that much good could be accomplished, if we Democrats would vote for the Republican congressmen, presidential electors, and state legislators, who would elect a Republican senator, so that our state might be in harmony with the National administration.

I assume that you and your party take a similar view at the present time.

Now senator, I confess that that argument has not appealed strongly to me in the past, but it sounds good to me now; and in view of the fact that you are out of harmony with the National administration at Washington; that you have been and are strongly opposed to the president's Mexican policy; and have opposed the repeal of the Canal Toll's Exemption Bill; and opposed the downward revision of the tariff; and opposed the Currency Bill; and for the further reason that you have been selected to oppose the administration measures; and are out of harmony generally with the present administration, consistency suggests that for the good of the service, you ought to resign, vacate the premises, and let in someone who is in harmony with the National administration.

Yours for consistency,

N. V. JONES,
Salt Lake City.

A DISCUSSION OF SENATOR REED SMOOT'S RECORD FROM THE VIEWPOINT OF A CHURCHMAN AND OF A CITIZEN.

Was the Defense of Senator Reed Smoot Before the U. S. S. Committee On Privileges and Elections A Concession of Principle?

In discussing the above proposition, it may seem to be in some respects a narrow and limited view which the writer takes of his

subject seeing that it is discussed, first, from the religious viewpoint, and from the standpoint of a churchman. It must, however, in all fairness and consistency, be remembered that the main portion of the constituency of the Hon. Senator Smoot, is of the faith and church and people known as the "Church of Jesus Christ of Latter Day Saints."

It should be remembered also that his position and standing as a apostle in that church has contributed largely to, and is the principle cause of his selection to the political office, which he now holds. This is so in part at least, because the experience of the wiser class of the people of Utah, both "Mormon" and "non-Mormon" have taught them that one of the best ways to deal with their prejudice and established opinions is to recognize the prejudices and opinions of both classes. With that point in view, selections are frequently made of men for political offices who are representatives of either of the two classes.

It is intended in this article to present what seems to be some, only, of the more important features of the Smoot investigation, from the viewpoint of a Churchman, and points not heretofore discussed by the press or people to any extent. It is intended also to briefly discuss the Senator's attitude and record in said investigation from the standpoint of a "non-churchman" or citizen of the United States.

As Viewed From the Standpoint of a Churchman.

The position which Senator Smoot assumed in his defense before the Senate Committee has been objectionable to very many of his church constituents and a subject of honest criticism by them; notwithstanding the fact that he has been upheld and lauded profusely by prominent leading churchmen.

It is proposed briefly to consider the theory and groundwork of the Senator's alleged defense before the Senate Committee referred to, from the record in the case.

The record, as far as the defense is concerned, was made, shaped, and presented to the Senate Committee and to the world by the Senator himself, through his counsel; who, of course, were subject to his direction. We shall first look to the record and consider it from the standpoint of a churchman.

In the month of January, A. D. 1903, Senator Smoot, was chosen, by the Legislative Assembly, to the office of Senator, of the United States. A protest was filed by the Reverend Mr. Paden, and seventeen others, in the Senate, protesting against Mr. Smoot being permitted to occupy a seat in the Senate, upon the grounds set out in the protest.

An investigation was had, before the Committee on Privileges and Elections, which was not closed until in the early part of the year A. D. 1907. More than seven years have elapsed since the investigation closed, and we may be able after that lapse of time to look

back upon the record, and discuss it temperately and in the light of reason and judge it without political heat or religious excitement.

As before stated, Senator Smoot was at that time and still is, holding the office of an apostle in the church of Jesus Christ of Latter Day Saints, and at all times sustained before the church in general assembly, as a prophet, seer and revelator, in connection with other members of his quorum.

It follows logically and conclusively therefore, that the duties of the high office of his apostleship should be esteemed with that sacredness which any conscientious man must naturally feel in receiving so high and sacred a trust. Principal among the duties of his ecclesiastical office, is the duty to expound, preach, teach, and maintain before the world the divinity of the work in which the apostle is engaged and to maintain the righteousness and purity of its principles.

Let it be distinctly understood, at the threshold of this discussion, that there is no intention to make or present an argument at this time in favor of the doctrine of "plural marriage," which under the civil law, is described as "polygamy." It is contended, however, and the theory upon which this criticism of the record is made, is, that the religious opinions and convictions of the individual citizen are above legislation. That they are higher than the law, and as such, the religious views and opinions of any citizen of the United States may not be invaded by legislative enactment.

RELIGIOUS TEST FORBIDDEN BY CONSTITUTION OF UNITED STATES.

Congress has no power to make any religious test of the opinion of any man, with reference to his right, or qualification to hold any office or public trust under the United States government.

See Art. VI Constitution of the United States.

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech, or of the press," etc.

Art. 1 of Amendments to Constitution of United States.

The above provisions from the Federal Constitution carry with them the plenary rights of freedom of conscience, of religious conviction, of freedom of speech, and of the press, to the extent of one's religious opinions and convictions. These rights are more than mere matters of privilege! they are **guaranteed** by the organic law of the nation.

Religious opinions and doctrines, as such, are not objectionable nor within the pale of legal condemnation. It is only in cases where some positive overt act is done, which is forbidden by statute, that

any persons may be condemned by law. The intention must coincide with the overt act in order to constitute an offense. It follows then conclusively, that all evidence introduced by Senator Smoot, with reference to his religious opinions and views in regard to polygamy, were entirely **voluntary** and **unnecessary**.

THE PADEN PROTEST AND SENATOR SMOOT'S ANSWER.

At page 25, Vol. 1 of the Record in the Smoot Investigation, the protestants against the right of the Senator to take his seat said: "We wage no war against his religious belief, as such. We do not, to the slightest extent deny him the same freedom of thought, the same freedom of action within the law, which we claim for ourselves. We accuse him of no offense cognizable by law, nor do we ask to put him in jeopardy of his property or his liberty. We ask that he be deprived of no natural right, nor of any right which, under the Constitution or laws of the land, he is fitted to exercise."

It would not be true to say that the protestants at all times in the investigation stood by the above declaration, but it is true, that Senator Smoot, at all times had a right to hold the protestants to their declaration, and properly to limit at least, his own evidence, to those questions and matters which were the proper subject of the investigation.

Time and space will not permit that an investigation which covered so many months and filled so many volumes, may be properly or fully discussed in the short limits of one article.

Attention is here called to the answer of the Hon. Senator Smoot to the protest of Mr. Paden and seventeen others.

In the answer the Senator moved to "strike out and eliminate from said protest each and every matter and thing therein contained, except the two charges above mentioned." The charges referred to were, first, that the Senator was a polygamist, and second, that he was bound by some oath or obligation inconsistent with the oath required by the Constitution of the United States.

Notwithstanding the statements of the protest and answer, the Senator then proceeded to answer, and did answer the other charges made by the protestants, and in conclusion protested "against evidence being introduced on all or any of those issues which were alleged by him to be irrelevant, immaterial and impertinent to the question of the qualifications of the respondent, and his right to retain his seat as United States Senator, from the State of Utah," pages 31, 39, Vol. 1 Smoot Investigation.

SENATOR SMOOT DID NOT MAINTAIN HIS CONSTITUTIONAL RIGHTS.

If Senator Smoot had stood squarely upon his legal rights the record would have been very different from what it is at present. In submitting his proof to meet the case, as presented by the protestants

the Senator, as we contend, abandoned in part, the position which he had taken by his answer, viz.: as to the irrelevancy of various matters referred to in the protest. It must be admitted that Senator Smoot was cognizant of his legal rights in the premises. It cannot consistently be assumed that he was ignorant of the fact, that the Senate had no authority to put him on trial for his religious belief, or opinion, nor to make any "religious test," of his right or qualification to hold office. If the Senator himself was not fully aware of his rights, he must in any event, have been advised of the same, for he had eminent legal advisers to counsel him.

THE THEORY OF SENATOR SMOOT'S DEFENSE. PROOF PRESENTED BY HIM VOLUNTARY AND UNNECES- SARY. A WAIVER OF CONSTITUTIONAL RIGHT.

He then **waived his legal right**, and proceeded upon the theory, (as shown by the evidence) that he must meet and overthrow the opinion of his fellow senators, viz.: that he **believed in polygamy**. He did not make that admission in specific terms, but that was the theory of his defense, and he presented proof to sustain it. In so doing, it is contended that his action was entirely **voluntary and unnecessary**. It was an evidence of his desire to conform to public opinion, which, from the standpoint of an apostle, was at the sacrifice of principle, and the sacrifice of consistency. That he had the **right** and privilege of so doing, is here freely admitted. But the inconsistency of his position is manifest, when we consider that he was at the same time upheld by his fellow churchmen as an apostle, prophet, seer and revelator in the church, which represented to the world that the ordinance of "plural marriage" was instituted by divine command.

The question of his religious conviction and opinion, his belief in the abstract principle of polygamy or plural marriage, was a matter absolutely irrelevant and impertinent as to his right to take or hold a seat in the Senate; so long as he was not found promulgating or conspiring to violate the law, or commit some overt act forbidden by the law of the land.

SENATOR SMOOT'S PROOF AND ATTITUDE INCONSTIT- ENT WITH HIS APOSTLESHIP.

This point is urged here (not because it will cut any figure as to Senator Smoot's standing in the world and with people who are not members of his church) but for the reason that the position which he took, and the proof which he offered, as to his attitude upon that principle, were entirely inconsistent with his religious profession, and

gave evidence that he was the enemy of the principle which had given him birth, and that his opposition to that principle was contrary to his profession as an apostle in the church.

Among other things, the record (Senator Smoot's answer) alleges and shows:

"Respondent (Senator Smoot) alleges that never at any time did he either teach, practice, advise, or encourage polygamy or polygamous cohabitation."

This allegation bears out the evidence subsequently introduced to show that he was at all times opposed to that doctrine. This, of course, the Senator had a perfect right to do, and his position in that respect would have been consistent, if the profession of his faith had been other than what it was. But it is not consistent in view of his official position in the church, to seek to prove that he was at all times against that principle, which as a principle, he could not properly repudiate.

No direct contention was made that the Senator could be expelled, merely for his religious belief. It was stated in substance, in the case of *United States vs. Reynolds*, That Congress could not interfere with a man's belief, no matter what he believed; that so far as he confined it to a belief, Congress could not interfere with it; but that when in pursuance of that belief, he undertook to violate any law, he was outside of the protection of the Constitution and must be punished.

98 U. S. 145 page 51.

There was no occasion therefore, for the Senator meeting the question of prejudice and undertaking to prove to the Senate that his opinion was, and always had been adverse to the principle so well recognized in his church. Presumably, he met that condition that he might gain favor and strength with his opponents. To sustain the writer's theory that Senator Smoot went beyond what he needed to have gone, and undertook to demonstrate, and did successfully demonstrate to the Senate, that he had always been the enemy of the principle of "plural marriage."

SENATOR SMOOT'S PROOF THAT HE WAS AGAINST PLURAL MARRIAGE AND HAD BEEN A FACTOR IN SUPPRESSING IT.

Note among other things, what appears at page 67, Vol. 1, Smoot Investigation, in the remarks of Senator Smoot's counsel. This, of

course, must have been done with the approval of Senator Smoot, or otherwise he would have repudiated it.

MR. VAN COTT: "At the hearing, which was had before the Senate Committee in 1892, appeared Judge John W. Judd, who had been appointed by President Cleveland as one of the judges in the Territory of Utah. Judge Judd is in the room. He was from the State of Tennessee. Judge Judd came down here after all the trouble and fight in Utah, and made a statement before the Committee in regard to the conditions there, and one statement which Judge Judd made to the Committee on that occasion I deem it pertinent to read to the Committee, because it shows just the state of mind that Reed Smoot had at that time, in 1892. * * * Judge Judd on page 41 of this Senate Document, said:

* * * The younger people would come to me in my room and talked to me about it. I could give names and incidents of Mormons high in life, some of whom the chairman of this committee is acquainted with who came to me and urged me saying: 'Judge for God's sake break this thing up! We have had enough trouble; we have had all we can possibly stand of it. We have had one right after another taken from us. We have been put in an awkward attitude before our fellow citizens of the United States and for God's sake break it up.' Others said to me, notably Reed Smoot, son of the president of a stake, and the Republican candidate for Mayor, and himself a product of a polygamous marriage: 'Judge, we cannot stand this thing and we will not stand it; it must be settled.' And I know whereof I affirm when I say before this committee, that when the Mormon church made its declaration of the abandonment of polygamy, it was done as much from a force within as from a force without."

When that statement was made Judge Judd and Senator Smoot were present. Evidently it was the truth.

One of our criticisms of Senator Smoot, is that by the theory of his defense and the evidence he introduced, he broadened the investigation to an improper extent, and inferentially at least, thereby admitted the right of the Senate to put him on trial for a question of conscience and a matter of religious opinion; and in his effort and desire to prove that he was and had been an opponent of polygamy, he dragged into the investigation matters which were irrelevant and ought never to have been brought into it.

It was clear from the evidence he introduced that he sought at all times to show that he had at least been a secret opponent, if not an open foe, against the doctrine of polygamy; and had not believed in it. This opposition might have been perfectly consistent in some persons, but certainly it was not consistent in one who stands before his church and all the world as a "special witness" of the divinity of

the doctrines of his church and as one holding the apostleship, and as a prophet, seer and revelator.

Church people, generally without a question, believed that Senator Smoot, (or Apostle Smoot) was a **believer** in the doctrine of "plural marriage," as formerly taught by the church of which he was and still is a member. Senator Smoot, however, seems to have made a very different impression upon many of his "non-Mormon" friends. For example, Mr. Whitecotton, a non-Mormon friend of Senator Smoot, testified as follows, referring to the Senator.

MR. VAN COTT: "Speaking of the other heresies that Mr. Smoot had, what was the general understanding in the community in Provo about any heresy that Mr. Smoot had as being opposed to the practice of polygamy in those early days?

MR. WHITECOTTON: He was a heretic on that too.

MR. VAN COTT: He was opposed to polygamy?

MR. WHITECOTTON: He was opposed to polygamy. He was understood so to be. He was looked upon as one of the young men in Utah who were to redeem Israel." Vol. 11, Page 680, Smoot Investigation.

* * * "MR. VAN COTT: Outside of a few men who may be in the American party, I will ask you what is the general opinion among gentiles, as to whether Reed Smoot, or men like Reed Smoot, who are prominent in the church, prominent in politics, who are opposed to polygamy and in favor of the enforcement of the law, should be encouraged or not?

MR. WHITECOTTON: I should say the best answer I could give to that question would be Mr. Smoot's election. I do not know how better to express it." Page 684, Vol. 11.

* * * "MR. WHITECOTTON: I never heard Mr. Smoot expressly say what he thought of any particular case of plural marriage, but I have understood ever since I have known him that he was very much opposed to polygamy, and as bearing on that, I have here an extract from a statement—it is in the official record made by the Hon. John W. Judd, who was United State Judge out there in territorial days:

MR. TAYLER: That is in the testimony in the case already." Page 688. (This was the statement referred to by Mr. Van Cott):

Speaking of Senator Smoot's position as an apostle, the following occurred:

* * * MR. TAYLER: "Do you understand that he is chosen by revelation and inspiration?"

MR. WHITCOTTON: No sir, I don't know anything about that.

MR. TAYLER: Do you understand that he is a living oracle of God?

MR. WHITCOTTON: No, he wasn't to me.

MR. TAYLER: Oh no, no, no! you are his counsel?

MR. WHITCOTTON: He takes my advise sometimes.

MR. WORTHINGTON: The witness is the oracle?

MR. WHITCOTTON: I don't know anything about that. I don't know anything about the importance that the Mormons even attach to the choosing of an apostle. It would be hard for us in Provo, who know Mr. Smoot so intimately, to think of him as a man who got revelations. I can scarcely credit that.

MR. TAYLER: Exactly, but you have no doubt at all that it is the view of the rank and file of the Mormon church, that an apostle is a prophet, seer, and revelator, have you?

MR. WHITCOTTON: In matters pertaining to religion, I think that is accepted as a settled article of faith." Page 691.

The above shows, that while Senator Smoot, had been successful in making an impression upon the minds of non-Mormons that he was against the doctrine of polygamy, that he had also left such an impression that it was hard for them to accept him as a prophet or revelator, although his people held him up as such.

Again at page 831, Judge Miner testified as follows: with reference to Senator Smoot:

MR. VAN COTT: "When he became a senatorial candidate was he prominent or not, for that position?"

MR. MINER: He was.

MR. VAN COTT: Do you know anything about the reputation he bore in those early days in regard to the practice of polygamy?

MR. MINER: Yes sir.

MR. VAN COTT: What was it?

MR. MINER: My deputies were deputies for that district, which included Mr. Smoot's residence—that is, Utah County, and those deputies during the year 1890 from July on, were over the entire district, and before I personally became acquainted with Mr. Smoot—during the time of those prosecutions, or about the time of the manifesto, they reported to me, and I obtained from that reputation, and from others in speaking of him, that he was strongly in favor of the enforcement—that is, the people should obey the law. He was against the practice of polygamy. They reported him as the coming young man of the state."

**IMPRESSION MADE BY SENATOR SMOOT UPON MINDS
OF NON-MORMONS, IN REGARD TO HIS OPPOSI-
TION TO PLURAL MARRIAGE. DISCUS-
SION IN THE SENATE.**

Passing over the testimony, (for we have only opportunity to briefly touch upon it) let us look to the impression made by it upon the minds of Senators, who discussed it, principally as friends of Senator Smoot, and who were opposed to his expulsion from the Senate.

**Excerpts From Addresses of Senator Smoot and Others Upon the
Floor of the Senate, February, 1907.**

Senator Smoot addressed the Senate, and among other things said:

"I am not a polygamist. * * * I deem it proper to further state, that I have never taught polygamy." Part IV Vol. 41, page 3268 Congressional Record.

He might also have consistently added that: "I have shown you by the evidence that I have always been and am now opposed to that doctrine in theory and principle, as well as in practice."

At page 3272 of the Record, Senator Dillingham, among other things, quoted the remarks of Judge Judd, with reference to what Reed Smoot had said some years previously to him.

Mr. Judd said:

"The younger people would come to me in my room in private and talk to me about it. I could give the names and incidents of Mormons high in life, some of whom the chairman of this committee is acquainted with, who came to me and urged me saying: 'Judge, for God's sake break this thing up! We have had enough trouble!'

* * * Others said to me, notably Reed Smoot, son of the pres-

ident of the stake, and the Republican candidate for Mayor, and himself the product of a polygamous marriage: 'Judge, we cannot stand this thing, and we will not stand it. It must be settled.' And I know whereof I affirm, when I say to this committee that when the Mormon church made its declaration of the abandonment of polyamy, it was done as much from a force within as from a force without."

Senator Sutherland said:

"The statement which the Senator is reading was made by Judge Judd, I understand some fifteen years ago, when Senator Smoot was a young man."

MR. DILLINGHAM: "It was made in 1892, fifteen years ago."

At page 937, Vol. 41 Congressional Record, Senator Hopkins said:

"I listened, Mr. President, with a great deal of interest to the eloquent denunciation of the crime of polygamy by Mr. Burrows, the senior Senator from Michigan, in his speech here the other day, and I sympathize with him fully in his arraignment of polygamy and polygamous cohabitation. I think it is a relic of a barbarous age, and as such I denounce it. It is the destroyer of the ideal American home life and the corrupter of the morals of those who practice it."

Again at page 938, Vol. 41, Congressional Record, Senator Hopkins said:

"Reed Smoot, is an apostle of this higher and better Mormonism. He stands for the sacred things in the church and against polygamy and all the kindred vices connected with that loathsome practice. In his position, as a member of the church and as an apostle and preacher of the doctrines of the church, he has done more to stamp out this foul blot upon the civilization of Utah, and the other territories where plygamy has been practiced than any other thousand men outside of the church."

Thus Senator Smoot stood before the Senate and the world, and heard, and by his silent acquiescence, endorsed the representations made by his advocates upon the floor of the Senate, that he was the enemy of plural marriage, that he had done more "to stamp out this foul blot upon the civilization of Utah * * * , than any thousand men outside of the church."

Upon the other hand, he accepts, and holds unblushingly the office of an apostle, prophet, seer and revelator, in the church of Jesus Christ of Latter-day Saints, in which he stands as a "Special Witness," for the divinity of the doctrines of the church.

Can inconsistency reach a higher pitch?

At page 3281 Senator Dillingham said:

"Now, I was saying, for I was about to close, it seems a strange thing to me, in the light of the progress that has been made by the Mormon people since 1890, **that the man who back of that time was laying the foundation of this progress, co-operating with the authorities of the United States in bringing to an end a pernicious system, who has always stood for law and order, whose life has been so pure and upright that among all the witnesses testifying in this case not one has brought a charge against him either in his business or social life.**"

At page 3409 Senator Beveridge said:

"And, Mr. President, the country has been misinformed. The average man and woman has been told for three long years that Reed Smoot is a criminal, guilty of a disgusting and filthy crime—a crime abhorrent to our face and destructive of civilization * * * The country has been told that this man is a polygamist. That is the charge on which he has been tried before the bar of American public opinion; that is the charge upon which he has been convicted by the millions; and the charge that has injured him as deeply as Dreyfus was injured.

"The evidence shows and it is finally admitted, that this accused Senator is not a polygamist—the word is too full to utter, except on compulsion, never was that base thing, and that his home life is ideal in purity.

"**Not only is this true, but the evidence shows, that from the first, Reed Smoot has been the leader of the younger, wiser and more modern element of his church, that oppose this insult to marriage.**

"Yet the American people believe this Senator is a practicer of this horrible shame. How that impression has been circulated it is not necessary, as it would not be pleasant to describe. But the belief that he is such a monster is general among the masses and held by most of the reading public."

At page 3410 Senator Beveridge said:

"Scores of witnesses have testified like Dr. Buckley, the great Methodist editor, and Mrs. Coulter, the accomplished American women. Yet all the while the country heard only the foul word "polygamy!" **Men testified that Senator Smoot was active against that infamy, not recently only, but for years.** In 1892, Judge Judd of Tennessee, a gentile appointed by President Cleveland as Territorial Judge, of Utah, before the Committee of Territories, of the Senate,

testified that the younger Mormons were active against polygamy, and that their leader was Reed Smoot.

"This, Mr. President, was fourteen years ago. Certainly Mr. Smoot, fourteen years ago, had not corrupted a United States' Judge into telling before the Senate a falsehood. After describing at length—my time does not permit me to quote—the movement of the younger Mormons to end this curse,—others said to me—listen, Senators, notably Reed Smoot, son of the president of a stake, and the Republican candidate for Mayor, himself the product of a polygamous marriage, 'Judge, we cannot stand this thing, and we will not stand this thing. It has got to be settled.'"

At page 3415, Senator Foraker said, speaking of Mr. Smoot:

"He is so good a man that I sometimes almost doubt him. He seems to have no vices whatever. He seems to have no vices whatever. He does not drink or chew, or smoke, or swear, and he is not a polygamist; but on the contrary, Mr. President, in very early youth, as the testimony read by the Senator from Indiana a few moments ago shows, he was distinguished in the Mormon church for his opposition to plural marriages. In early youth, although the son of a plural wife he raised his voice against the continuance of polygamous marriages in the Mormon church; and from that day until this, has stood the opponent of that idea. It is not on that ground, then, that we can expel him, and of course, we cannot expel him for a mere belief."

At page 3417, Senator Bacon, said, referring to Senator Smoot:

"The fact, that he is a Mormon and believes in the tenets and dogmas of the Mormon church, will not in my opinion, justify his exclusion from the Senate. It would be an extremely dangerous precedent to exclude a Senator because of his religious or political belief, however, erroneous we may believe that belief to be."

The foregoing quotations are made from the record to sustain the point, as it clearly appears, that the theory upon which Senator Smoot conducted his defense, was that he intended to introduce and did introduce, such evidence as would convince the Senate that he was an unbeliever in the doctrine of plural marriage, in principle, and as a matter of religious conviction; that he had been at all times an enemy to that doctrine.

The statements made by Senator Hopkins, Dillingham, Beveridge and others, show that Senator Smoot accomplished that purpose. It is safe to say, that in convincing the Senate upon that point he has also convinced the majority of the people of his own church upon the same point.

EVIDENCE INDICATES SENATOR'S DESIRE FOR SENATORSHIP, IS GREATER THAN HIS LOVE FOR APOSTLESHIP.

The view of the writer here expressed is to show that Senator Smoot could not consistently repudiate the divinity of the doctrine of "plural marriage," as a matter of religious conviction only, and at the same time consistently stand in the office of an apostle, prophet, seer and revelator to his church. The two positions are altogether antagonistic and out of harmony. They cannot be reconciled.

By the evidence and the record, the only fair deduction is, that Senator Smoot has shown that his love and desire for the senatorship, were greater than his love for the apostleship. If that is true, as it appears to be, then he ought to resign his apostleship, or otherwise, the senatorship.

There is another reason why he ought to resign either one office or the other. He cannot properly attend to the duties of the two offices at the same time. These two offices are too big for one man at the same time. If one person holds the two offices, the duties of one or the other must go unfulfilled. There is no escape from that conclusion. The duties and responsibilities of each and both of these offices are constantly increasing. It will not always be as it is at present. There must and will come a change in this respect.

There are hundreds of young and middle aged men in Utah who could impart equal, if not greater dignity and correctness to the great office of Senator, than the present senior Senator from Utah. Many of our citizens are as well and better equipped by natural endowments, by education, both legal and otherwise, by integrity to principle, and patriotism, than is Senator Smoot. We have many men qualified for that office who differ from Senator Smoot in this, that their patriotism stands higher than party spirit:

While it is not intended to discount the business ability and industry of our senior Senator, it should be understood that the honors which have come to Utah and its Congressional representatives, have not been due to any great ability of the senior Senator, but rather because our Senators and Congressmen represent the people of a great, rapidly-growing and important state in the union. Equal honors, and perhaps greater, would have come to other persons as our representatives in that capacity. The inconsistency of Senator Smoot from a religious standpoint is not the only point upon which his record is vulnerable. It is equally objectionable from the standpoint of a citizen.

FROM THE VIEWPOINT OF A CITIZEN—SENATOR SMOOT UNNECESSARILY SURRENDERED A FUNDAMENTAL CONSTITUTIONAL RIGHT.

After Reed Smoot was elected to the Senate, it is safe to say that the great majority of the people of Utah, desired to see him take his seat in that body, (although many of them had not voted for him), for the reason that he was lawfully elected. But they did expect of him, that he would stand firmly upon his Constitutional rights. Every citizen of the United States, who has a proper conception of the fundamental rights of citizenship, as guaranteed by the Federal Constitution, is desirous of seeing those rights maintained, for the benefit and protection of every citizen in this great and magnificent government.

The fundamental rights of the citizen, as vouchsafed by the Constitution, may not be invaded, nor voluntarily surrendered with impunity. The surrender or invasion of any Constitutional right of any citizen, is a matter of concern to every other citizen of this government.

The clamor of people for the expulsion of Senator Smoot from the Senate, or the protest against his being seated in that body, upon the grounds, that **he believed in polygamy**, (and probably there were some such fanatical and overzealous people among his opponents and protestants), was altogether an untenable, illogical and illegal contention. It is possible also that some Senators may have indulged that view.

Let us suppose for the purpose of illustration, that Senator Smoot had broadly admitted that he was a believer in the doctrine of "polygamy" or "plural marriage," as a religious tenet of his faith, but that he had never entered into the practice of it, and never advised others to do so, for the reason that the Senate made it a penal offense. Would he, under such circumstances, be liable to expulsion from the Senate? It is confidentially submitted that he would not, and if not, then why not? Because it would be a "religious test," such as is forbidden by the Constitution of the United States; or stating it a little differently, an exclusion or expulsion for a religious conviction or matter of opinion. Hence, if under those circumstances, for a religious opinion, he could be excluded or expelled today, then tomorrow some other test might be proposed, that would, upon similar grounds, exclude a Catholic, a Protestant, an Athiest, or an Agnostic, and there would be no end of controversy upon such grounds.

It may be repeated therefore, that Senator Smoot's proposed

allegations or proof that he never did **believe in the doctrine of polygamy**, were **voluntary and unnecessary**. Evidently, his counsel was of the same opinion, for, while Senator Smoot was being examined upon the witness stand, his counsel, Mr. Worthington, (after asking him if he had "advised or promulgated the doctrine of polygamy since he was an apostle" said, "I will not ask you as to your belief in the doctrine, because in my judgment, that is a matter as to which nobody has the right to inquire." Page 189, Vol. 3, Reed Smoot Investigation.

It was all sufficient for him to show he had never committed any overt act of that nature, nor violated the law, and rested upon his Constitutional rights in the premises. It is safe to say, that the best and highest thought of the Senate (and of the nation) and the wisest Constitutional lawyers of that body, would have stood patriotically behind him. They could not consistently have done otherwise, even though they held his religious opinions and convictions in derision.

Though religious prejudice and excitement may run high, the American people have not come to a state of mind, nor is it believable, that the Senate of the United States would exclude or expel any Senator, lawfully elected, under such conditions.

For the foregoing reasons, it is contended, that aside from all religious convictions or prejudice, that the defense of Senator Smoot was objectionable, from the standpoint of a citizen, in admitting, as he impliedly did, (by the evidence he introduced) the right of the Senate to put him on trial for his belief, and to exclude or expel him for a matter of religious opinion.

SENATOR SMOOT'S GREAT OPPORTUNITY. HIS FAILURE TO MEASURE UP TO THE STANDARD.

The opportunity presented before Senator Smoot, to stand boldly for and vindicate a great Constitutional principle, viz.: **freedom of religious opinion, and freedom from any religious test**, was the **greatest opportunity ever presented to any Congressman or Senator from the State of Utah, and upon that point Senator Smoot made the worst failure**. Instead of showing the characteristics of the patriot and statesman, he played the part of a politician. He surrendered a great Constitutional principle to conform to the demands of popular prejudice, and proved that he was willing to sacrifice a Constitutional right, where he was tempted by the lust of office. What supineness he manifested!

Suppose, for illustration, he had stood up, as hundreds of the native sons of Utah would have done under similar circumstances, and said, in substance and effect, to the Senate: "My religious opin-

ions are my own. They are of no concern to the Senate. I claim the rights guaranteed by the Federal Constitution for freedom of conscience, freedom of speech, and that no religious test shall be made of my right or qualification to hold office under the United States." By so doing, he would have won the respect of the strongest minds in the senate and in the nation; and doubtless their support upon a final vote in the controversy. He would have forced the respect even of his opponents, some of whom admitted upon the floor of the Senate, that he could neither be excluded nor expelled for a matter of mere opinion or belief. Page 3415, Vol. 41, Cong. Record.

It is contended, therefore, that aside from all religious sentiment, Senator Smoot's attitude was cowardly and unstatesmanlike, and a proper subject of criticism by any citizen who stands for the rights of religious liberty and freedom of conscience, as guaranteed under the Federal Constitution. These doctrines are known and recognized to be among the guaranteed rights under the Federal Constitution.

The Senator, by his compromising and vacillating attitude, demonstrated that he was willing to sacrifice a Constitutional right to minister to his vaulting ambition for office.

THE SENATOR'S APOLOGY FOR TAKING HIS ENDOWMENTS.

Senator Smoot was charged with having received the church ordinance, known as the "endowments," and being called upon by the committee to explain his attitude upon that point, he pled his youth, viz.: that he was about eighteen years of age, and unloaded the burden of his conduct upon his father, in the following apologetic statement.

Among other things, Mr. Smoot testified:

"Father asked me if I would go to the Endowment house and take my endowments. I told him I did not particularly care about it. He stated to me that it certainly would not hurt me, if it did not do me any good, and that as my father, he would very much like to have me take the 'endowments' before I crossed the water or went away from the United States." Page 183, Vol. 3, Inv. of Reed Smoot.

In proving to the Senate that he did not believe in the doctrine of "plural marriage," while holding the high and important office of

an apostle in the church, the Senator thereby demonstrated (to his own people and to the world) his utter inconsistency in assuming to stand for the divinity of that principle in his own church, and repudiating it to the world. Consistency is a jewel! Is it consistent that an apostle in the church should occupy this dual relation? He ought to elect what ground he proposes to stand upon.

THE SENATOR'S SILENCE WHILE FALSE AND MALICIOUS CHARGES WERE MADE AGAINST HIS CONSTITUENTS UPON THE FLOOR OF THE SENATE. HIS ACQUIESCENCE AND ACCEPTANCE OF BENEFITS RESULTING THEREFROM.

Another criticism for the Senator is upon the point of cold-blooded indifference and inconsistency, as shown in his quiet acquiescence in the vile epithets and charges so freely hurled at the ordinance of "plural marriage," which gave the Senator a being and honorable introduction into the world. The foul charges made against that branch of the marriage ordinance in his church were:

"That it was a disgusting and filthy crime. Abhorrent to our race. Destructive of civilization. Something too foul to be uttered, except upon compulsion. That it was a great infamy, a horrible shame." etc.

These charges were made by some of the Senator's advocates and friends. He became a beneficiary, in a way at least, of these base charges, because the Senators who made them upon the floor of the Senate of the United States, declared that Senator Smoot, for years previously, had been laying the foundation for the destruction of that so-called "pernicious system." **"That Senator Smoot was active against that infamy, not recently only, but for years."**

All these foul charges were made upon the floor of the Senate in the presence of Senator Smoot and for his benefit. He sat supinely by and acquiesced, by his silence, in all of the above charges, and more. And these charges brought from him no word of protest, of denial, of palliation, or of remonstrance. By these same men, in the same harangue, Senator Smoot was painted in robes of spotless purity, because he had convinced the Senate, and particularly these speakers, (his advocates) that he had been an enemy, and an opponent to the so-called "pernicious system," lo! these many years! Senator Smoot was the product of a system of marriage which he did not at any time have the courage or inclination to defend.

In so far as Senator Smoot was satisfied to quietly acquiesce in the foul charges of moral degradation, criminality, and filthiness publicly hurled from the floor of the senate against the marriage

ordinance, which gave him birth, and challenged the purity and chastity of his father and mother and their marriage vow, and in permitting their good names to be blackened by the voice of calumny and ignorance, I forbear to speak, and leave him to answer at the bar of his own conscience, if such a place there be.

In so far as he permitted such charges to be wantonly made against the people and the church which upheld him as apostle, prophet, seer and revelator, and as he by his silence, acquiesced therein, and became the beneficiary of those false and infamous charges that he might retain his seat in the Senate, or win fame and glory, and permitted such charges to stand upon the record as confessed and unchallenged by him; it is fitting that his moral cowardice should be held in resentment and derision by the people for whom he had not the moral courage to speak one word of vindication. That his glory should be written in water, and that his fame should perish in empty air.

In all the record of that notorious investigation, and in the face of all these insults, charges of moral turpitude, of degradation, of crime and unchastity, so made against the people whom Senator Smoot represented, he found no time or opportunity where he could offer words of justification or even of condonation, sincerity or refutation of these monstrous charges, so freely made against them. As the record stands, as made by him in part, and as permitted by him to stand unchallenged, it is such a record as mars the face of consistency, and leaves behind it only wounds and scars. It ought to bring the blush of shame to the Senator's cheek.

**CONTRAST BETWEEN THE COWARDICE OF SENATOR
SMOOT, AND THE COURAGE OF HONORABLE H. E.
BOOTH, A NON-MORMON IN DEFENDING
THE HONOR OF PLURAL WIFEHOOD
AND MOTHERHOOD.**

Unfortunately, for Mr. Smoot, it remained for a non-Mormon a so-called gentile, the Hon. Hyrum E. Booth, U. S. District Attorney for Utah, to offer a contradiction of some of the foul and unfounded charges made against the class of Utah's people described as "polygamists," and to make some statements of vindication, in part, of plural wifehood and Mormon motherhood, which Senator Smoot had neither the inclination nor the courage to defend. Vol. 2, page 732, Reed Smoot Investigation, reads as follows:

SENATOR DUBOIS: "Mr. Booth, do you not understand that these children, who are now being born into the world, in this polyg-

amous relation, come into the world contrary to the laws of God and man?

MR. BOOTH: Well, they do contrary to the laws of man. The other law is not so well defined and definitely settled as to enable me to testify concerning it.

SENATOR DUBOIS: Would you take the authority of Joseph Smith, the president of the church, on that point, as to whether it is contrary to the law of God?

MR. BOOTH: I do know this, Senator—

SENATOR DUBOIS: Would you take his authority? If you are not clear on that yourself, would Joseph F. Smith's authority be good?

MR. BOOTH: I do know this—that the women who have gone into polygamy have done so from pure motives, believing it to be the law of God, and these children are born under those conditions.

SENATOR DUBOIS: If you are not clear as to whether they come into the world contrary to the laws of God, would you take Joseph F. Smith's testimony, and Francis M. Lyman's testimony, the present president, and the next president, if he outlives Smith, of the church?

MR. WORTHINGTON: Mr. Booth is not a Mormon.

MR. BOOTH: I am not a Mormon. I am not subject to their control in any way.

SENATOR DUBOIS: I ask that question—have you any sympathy for these children, who are now being born into the world in this relation?

MR. BOOTH: I certainly have!

SENATOR DUBOIS: You have, for the children?

MR. BOOTH: I have for the children and I have for the women.

MR. TAYLER: Is your sympathy for the children, who are in no wise responsible, equal to your sympathy for the plural wives?

MR. BOOTH: Well, that would be a matter of separation that I could not make.

MR. TAYLER: You could not make that?

MR. BOOTH: I do not think so. My sympathies are for both.

Page 741:

MR. BOOTH: "I have told you that the women, so far as they are concerned, went into this relation believing that it was the law of God, and that they are generally pure minded women——

MR. TAYLER: I am not talking about the women.

MR. BOOTH: ———as pure minded women as exist on the face of the earth anywhere; and so true is that, that in sixteen years residence in Salt Lake City, I cannot now recall a case of infidelity on the part of a plural wife to her husband. It is practically unknown in Utah."

To the credit of Mr. Booth let it be said that he had some convictions as to the integrity and purity of the wives and mothers referred to, and that he also had the courage to state it, where the Honorable gentleman from Utah, although an apostle in the church, was struck dumb with fear, or otherwise bribed by lust of office. What a humiliation!

Lest the writer be misunderstood, let it be here repeated, that this is a criticism on the inconsistency of Senator Smoot in assuming to stand as an apostle and prophet, seer and revelator before his church, and for the divinity of its doctrines, and at the same time proving that he was an opponent, either secretly or otherwise, of the doctrine of "plural marriage." This is not an argument made, nor intended to be made, in favor of that ordinance. It would have been entirely consistent (for example) in the junior Senator from Utah, to have made the proof, and to have acquiesced in all that Senator Smoot acquiesced in, upon that investigation, because the junior Senator did not make the professions that Senator Smoot made, nor stand before the world as an apostle in the church.

SENATOR SMOOT NOT A JEALOUS GUARDIAN OF THE HONOR OF HIS CONSTITUENCY.

No man who is a jealous guardian of the honor and good name of his parents, his people, or his constituency, occupying a position similar to the one occupied by Senator Smoot, would have permitted himself to take credit, or honor (?) (so-called), or political office, at the sacrifice of the good name and reputation of his parents, his people, or his constituents. If such a record is justifiable, or the proper measure and conception of either religious or political integrity, I can only say, with one of old, "Oh, my soul, come out thou into their secrets. and unto their assembly mine honor be not thou united."

RELIGIOUS CONTROVERSY DISCOURTEANANCED. ALL MEN EQUAL BEFORE THE LAW.

Let it be distinctly understood, that this criticism of Senator Smoot's record is not an attack upon his religious belief, neither is it an argument in favor of his religion, nor any principle thereof. It is not made to introduce religious controversy. On the contrary, all such efforts in the past or present are sincerely deprecated. As to religion or irreligion, either as a qualification or a disqualification to the right to hold office, our political institutions know no distinction. All men are equal before the law.

This article is merely a discussion of part of the Senator's record, to which he invites attention as having brought "credit and honor to our state." This discussion is not alone from the viewpoint of a churchman. It is also from the viewpoint of a citizen.

Senator Smoot's Record Speaks Two Ways.

Senator Smoot testified in substance, with reference to the divinity of the doctrine of "polygamy" and "the revelation that was given to Joseph Smith" that "he received it from the Lord." Also, that "as an abstract principle approved by the Bible and permitted by the Doctrine and Covenants I believe it, but as a practice against the law of my country I do not." Page 210, Vol. 3, Smoot Investigation.

Among other things he was asked, "Mr. Tayler. Was the law commanding polygamy a revelation from God? A. Mr. Smoot: I understand so." Then he amended his answer by saying that he did not think there was a revelation **commanding** polygamy, but that the revelation on the eternity of the marriage covenant, 'came directly from God,' as he understood it." Page 253-4, Vol. 3. Smoot Investigation.

Thus the Senator testified and shows that he has at all times believed in the divinity of the revelation permitting a plurality of wives, that he "understood it came directly from God." At the same time he introduces evidence to show that he applied to Federal Judges and officers of the United States to suppress it, and encouraged the prosecution of his people as far back as 1892. He admits and takes the benefits and credit before the outside world, with having "done more to stamp out this foul blot upon the civilization of Utah, * * than any thousand men outside of the church."

It is not understandable to the common mind, by what refined mental or psychological process of reasoning, or legerdemain the Senator justifies his dual position as revealed by the Record.

Can it be possible that he has been facing two ways?

Was his profession and faith of one color to his own people, and of another color to those against them?

How Does Such a Record Appeal to Non-Churchmen?

How does this record appeal to persons outside of the Senator's church?

Does it look like sincerity, or fair dealing among honorable men of any class?

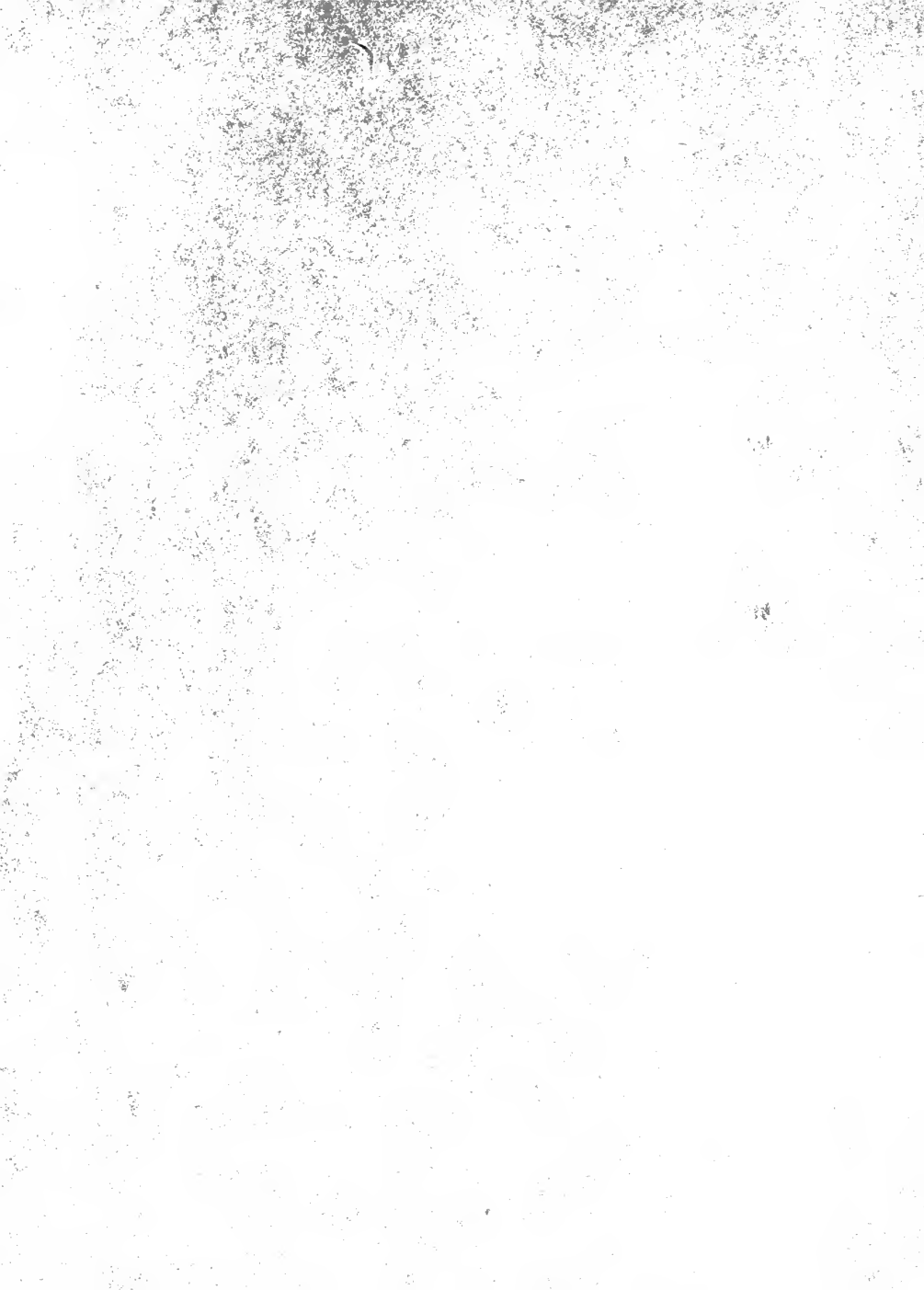
Senator Smoot says: "If my work has not brought credit and honor to our state, I do not deserve to be re-elected as your representative in the Senate." The public will finally render its verdict, and determine whether the Senator's "record on the whole meets with their approval," as suggested by him, and whether it has brought "credit and honor to our state," or otherwise.

What History Will Say of the Senator's Record and Defense.

Whenever a fair and impartial history shall be written of the proceedings before the Senate Committee on privileges and elections in the case of Reed Smoot, and the truth is told it must be admitted that his so-called defense, or otherwise his failure to speak at the time when honor and good conscience should have impelled him to speak in defense of his constituency, and defend their good name and to honestly explain his own attitude; were both inconsistent and unjustifiable. His defense can only be properly regarded as a concession of principle both from the viewpoint of a churchman and from the viewpoint of a non-churchman and citizen. That when the record is squarely presented to the people of Utah, in its true light that they should and will repudiate it.



PE664
S685
1914



Hollinger Corp.
pH 8.5